

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: May et al. ATTY. DOCKET NO.: 112701-032

SERIAL NO.: 09/230,622 GROUP ART UNIT: 1761

FILING DATE: June 14, 1999 EXAMINER: S. Weinstein

TITLE: "LAYERED CANNED PET FOOD"

Assistant Commissioner for Patents

Washington, D.C. 20231

RESPONSE

SIR:

Please enter the following Response in the above-identified patent application.

REMARKS

This Response is submitted in response to the Office Action mailed on September 5, 2000. The Office Action rejects Claims 1-10 under 35 U.S.C. § 103(a) in view of 13 references. Applicants respectfully submit for the reasons set forth below, that the rejection is not proper.

As noted above, in order to craft an obviousness rejection, the Patent Office relies on thirteen separate references. In this regard, Claims 1-10 are rejected under 35 U.S.C. § 103 as being unpatentable over *Ohba*, Applicants' alleged admissions, *Poppel*, *Quaker Oats*, *Hillebrand*, *McMahon*, *QP Corp (Jap 174)*, *QP Corp (671)*, *Errass*, *Henkel*, *Mandaras*, *Routh*, and *De Pasquale*. In view of the sheer number of references necessary to reject the claims, Applicants respectfully submit that the rejection is not proper. Regardless, as noted below, the rejection is not proper for additional reasons. In part, the rejection relies upon a reference that is not prior art to the claimed